

Notice of Allowability

Application No.

09/870,614

Examiner

DENNIS G. BONSHOCK

Applicant(s)

BROUSSARD, SCOTT J.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Board decision of 3-31-08.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jennifer Fisher, speaking for Kevin Daffer on 7-30-08.

The application has been amended as follows:

In claim 5, replace "A computer-readable memory" with --a computer-readable storage medium--.

Replace claim 12 with

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12. A method for displaying images of objects upon a display, the method comprising:
- providing an application program running under an operating system;
 - creating the images of the objects using an interface independent of the operating system;
 - and
 - enabling or disabling buffering of said images during runtime as directed by the application program, wherein:
- during a first mode, said buffering is disabled so that the images are forwarded in sequence to the display; and

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during a second mode, said buffering is enabled so that the images are compiled as a combination image of at least one of said images drawn over at least another of said images and presented to the buffer before being forwarded to the display.

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Replace claim 19 with

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19. A computer-readable storage device, comprising:

a windows-based operating system;

an application program running under the operating system;

a plurality of objects created at runtime by the application program;

an interface independent of the operating system, and adapted for:

creating images of the objects; and

enabling or disabling buffering of the images to a memory storage area prior to displaying the images, as directed by the application program, wherein:

during a first mode, said buffering is disabled so that the images are forwarded in sequence to a display; and

during a second mode, said buffering is enabled so that the images are compiled as a combination image of at least one of said images drawn over at least another of said images and presented to the memory storage area before being forwarded to the display.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The examiner considered the Decision on Appeal rendered March 31, 2008 and after updated search, no other prior art of record has taught that which was presented in the claims.
3. Therefore, claims 1-22 are allowable.
4. Independent claims 1 and 5 when considered as a whole, is allowable over the prior art of record (DiNicola). DiNicola teaches, in column 2, line 68, the use of a display. With regard to claim 1 further teaching a display buffer coupled to the display, DiNicola teaches, in column 2, line 59 through column 3, line 16, the use of several different buffers used in the display of an image. DiNicola teaches, in column 3, lines 7-10, the use of a processor in the application program. DiNicola teaches, in column 2, line 59 through column 3, line 16, specifically column 3, lines 10-13, a system that can be configured to either send images to the display separately or to combine two or more of the images and send them as a composite display image. DiNicola teaches, in column 3, lines 62-68 and column 5, lines 18-32, buffering the images before sending to the display. However, specifically the prior art of record fails to clearly teach or support the limitations of *buffering the mixed image prior to sending the mixed image to the display so that a combination image of at least one of said images drawn over at least another of said images and presented to the buffer before being*

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forwarded, as stated by the Board of Patent Appeals and Interferences, in the decision mailed 3-31-2008.

5. Independent claims 12 and 19 when considered as a whole, is allowable over the prior art of record (DiNicola and Sun). DiNicola teaches, in column 1, lines 6-15, an application program running on code compatible with the operating system, and a system that either transmits images to the display sequentially or as a combination image (see column 3, lines 10-13), the optional buffering of the sequence of images as a combination image before sending the combination image to the display (see column 3, lines 62-68 and column 5, lines 18-32). DiNicola is further supplemented by Sun who teaches Swing which is stated in the specification of the application to default to buffering it's output, similar to that of the DiNicola, but further teaches on page 1, paragraphs 4 and 5, swing being an API that can be independent of the operating system. However, specifically the prior art of record fails to clearly teach or support the limitations of *buffering the mixed image prior to sending the mixed image to the display so that a combination image of at least one of said images drawn over at least another of said images and presented to the buffer before being forwarded*, as stated by the Board of Patent Appeals and Interferences, in the decision mailed 3-31-2008.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS G. BONSHOCK whose telephone number is (571)272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis G. Bonshock/
Examiner, Art Unit 2173
7-30-08
dgb